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EXAMINER

NARAYANASWAMY, SINDYA

ART UNIT PAPER NUMBER

2154

DATE MAILED: 06/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/748,250

Applicant(s)

YOO ET AL.

Examiner

Sindya Narayanaswamy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

1. Claims 1 - 10 are presented for examination.
2. It is noted that although the present application does contain line numbers in the specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant all future correspondence should include the recommended line numbering.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-10 are rejected under 35. U.S.C. 112 second paragraph:
  - a. Regarding claim 1,  
  
line 7, and line 9 there is lack of antecedent basis for "the menu" and "said menu" (examiner will interpret it "the menu image").  
  
line 16, it is unclear what is meant by "constructing . menu screen" (should it read "constructing a menu screen?").
  - b. Regarding claim 4,  
  
line 3, there is lack of antecedent basis for "said menu" (examiner will interpret it as "the menu image").
  - c. Regarding claim 9,

line 7, and line 9, there is lack of antecedent basis for “the menu” and “said menu” (examiner will interpret it “the menu image.”)

line 16, it is unclear what is meant by “constructing . menu screen” (should it read “constructing a menu screen?”).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-5, and 8-9 are rejected under 35 USC 102(e) as being anticipated by Humpleman et al, US-6,182,094 B1.

6. As per claim 1, Humpleman et al teach a method of menu-based remote control of external devices that are connected to an audio/video apparatus (col. 23, lines 32-59), comprising the steps of:

- a. displaying a menu image including menu items, each menu item corresponding to each external device, such that one of the external devices is selected from the menu (704, 712, Fig. 10; col. 15, lines 40-47);
- b. requesting to the external device that is selected from the menu a menu data including detailed menu items associated with operations of the selected external device (804, 806, 706, Fig. 10; col. 15, lines 56-62); and
- c. receiving the menu data for the detailed menu from the selected external device and displaying the menu image, the menu data being provided from the selected device without data conversion for constructing a menu screen (col. 15, lines 63-65).

7. As per claim 2, Humpleman et al teach a method wherein each menu item of the menu image in step (a). corresponds to each of the external devices that are connected to the audio/video apparatus through IEEE 1394 interface (100, Fig. 1; col. 6, lines 10-15).

8. As per claims 3 and 5, Humpleman et al teach a method comprising the step of checking what external devices are connected before step (a) and the method wherein the checking step is performed when communication with the external devices through the common bus is possible (col. 11, lines 35-67 – col. 12, lines 1-11).

9. As per claim 4, Humpleman et al do not explicitly teach a method wherein the checking step is performed in response to a user request of the menu image for selection of the external device. However, such a step would have been inherent to the system because the user must

initiate certain actions or operations such as turning on the software agent system (col. 9, lines 22-26) in order to see the availability of all the devices through the menu image.

10. As per claim 8, Humpleman et al teach a method further comprising the step of transmitting information about the current position of a cursor (*user selection on PC is done with cursor*) on the menu image displayed in step (c) to the selected external device when a selection key is entered by a user (col. 15, lines 40-65).

11. As per claim 9, Humpleman et al teach a method of menu-based remote control of external devices that are connected to an audio/video apparatus, comprising the steps of:

- a. displaying a menu image including menu items, each menu item corresponding to each external device, such that one of the external devices is selected from the menu (704, 712, Fig. 10; col. 15, lines 40-47);
- b. requesting to the external device that is selected from the menu a menu data including detailed menu items associated with operations of the selected external device (804, 806, 706, Fig. 10; col. 15, lines 56-62); and
- c. receiving the menu data for the detailed menu from the selected external device and displaying the menu image, the menu data being provided from the selected device without data conversion for constructing a menu screen (col. 15, lines 63-65).
- d. obtaining information about the position of a cursor on the image of the detailed menu in response to user input and transmitting the information to the external device (*user selection on PC is done with a cursor*) (col. 13, lines 30-38).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 6-7, and 10 are rejected under 35 USC 103(a) over Humpleman et al, US-6,182,094 B1 in view of Kim, US-6,133,911.

14. As per claim 6, Humpleman et al disclose the method of claim 1 but do not explicitly teach a method comprising the step of displaying a menu item differently from other menu items on the menu image displayed in step c when a cursor is positioned over the menu item during the movement of the cursor. However, such a feature is well known in the art. For instance, Kim teaches a method comprising the step of displaying a menu item differently from other menu items on the menu image displayed in step (c) when a cursor is positioned over the menu item during the movement of the cursor (S423, Fig. 4). It would have been obvious to one of ordinary skill in the art at the time to combine the teachings of Humpleman et al and Kim to incorporate a display change upon cursor contact in order to visually aid a user's interaction with the system.

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15. As per claim 7, Kim further teaches a method wherein the menu item over which the cursor is positioned is displayed differently from other menu items on the basis of information about the positions of menu items on the menu image, the information being provided by the selected external device (*control device*) (S423, Fig. 4; col. 4, lines 49-60).

16. As per claim 10, Humpleman et al disclose the method of claim 9 but do not teach a method wherein a menu item over which the cursor is positioned during the movement of the cursor is displayed differently from other menu items in color and/or brightness. However, Kim teaches a method wherein a menu item over which the cursor is positioned during the movement of the cursor is displayed differently from other menu items in color and/or brightness (S420, S423, Fig. 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Humpleman et al and Kim in order to visually aid a user's interaction with the system.

### *Conclusion*

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Chiloyan et al., US-6,008,735.
- b. Badger et al., US-5,886,647.
- c. Hsu et al., US-6,384,737.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sindya Narayanaswamy whose telephone number is (703) 305-8473. The examiner can normally be reached on 8 am to 5 pm, first Fridays off.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached at (703) 308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-5404 for regular communications and (703) 305-5404 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Sindya Narayanaswamy

June 16, 2003

*Kristine Kincaid*  
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